

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Cheri B. Dietrich,

Civ. No. 15-1875 (PJS/BRT)

Plaintiff,

v.

**ORDER**

Soo Line Railroad Company,  
d/b/a Canadian Pacific,

Defendant.

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Cheri B. Dietrich, 15 E. Gilfillan Rd., North Oaks, MN 55127, *pro se* Plaintiff.

Margaret Bauer Reyes, Esq., Richard W. Pins, Esq., and Tracey Holmes Donesky, Esq.,  
Stinson Leonard Street LLP, counsel for Defendant.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated March 4, 2016. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff Cheri Dietrich's motion for default judgment (Doc. No. 43) is **DENIED**;
2. Defendant Soo Line Railroad Company d/b/a Canadian Pacific's motion to dismiss or, in the alternative, for summary judgment (Doc. No. 36) is **GRANTED**; and

3. Dietrich's amended complaint (Doc. No. 23) is **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim on which relief may be granted.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: 3/24/16

*s/Patrick J. Schiltz*  
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PATRICK J. SCHILTZ  
United States District Judge